

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KELLY SHAFFSTALL,

11 Plaintiff,

v.

12 OLD DOMINION FREIGHT LINE, INC., a
13 Virginia corporation,

14 Defendant.

CASE NO. C18-1656-JCC

ORDER

15 This matter comes before the Court on Dawn Shaffstall's unopposed motion for
16 substitution (Dkt. No. 69). On February 16, 2020, Plaintiff Kelly Shaffstall passed away. (Dkt.
17 No. 69 at 1.) Under Federal Rule of Civil Procedure 25(a)(1), "If a party dies and the claim is not
18 extinguished, the court may order substitution of the proper party." Mr. Shaffstall's employment
19 law claim was not extinguished upon his death; it passed to the personal representative of his
20 estate. *See Wash. Rev. Code § 4.20.046(1)*. The personal representative of Mr. Shaffstall's estate
21 is Dawn Shaffstall, Mr. Shaffstall's spouse. (*See Dkt. Nos. 70-1 at 3, 70-2 at 3, 70-3 at 2.*)
22 Accordingly, Ms. Shaffstall is the proper party under Washington law. *See Wash. Rev. Code*
23 § 4.20.046(1). The Court therefore GRANTS Ms. Shaffstall's motion (Dkt. No. 69) and
24 SUBSTITUTES Dawn Shaffstall in place of Kelly Shaffstall as Plaintiff in this action.

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1 DATED this 29th day of May 2020.
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John C. Coughenour

5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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